CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/PV.411
15 May 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND ELEVENTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 15 May 1969, at 10.30 a.m.

Chairman: Mr. K. CHRISTOV (Bulgaria)

GE.69-11125
69-35395

PRESENT AT THE TABLE

Brazil:	Mr. S.A. FRAZAO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. V. SAFAR
	Mr. J. STRUCKA
Ethiopia:	Mr. A. ZELLEKE
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F. LUCIOLI OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Mexico:	Miss E. AGUIRRE
	Mr. H. CARDENAS RODRIGUEZ
Nigeria:	Alhaji SULE KOLO
	Mr. L.A. MALIKI

DEPOSITORY

Poland:	Mr. H. JAROSZEK
	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. S. DABROWA
Romania:	Mr. N. ECOBESCO
	Mr. V. CONSTANTINESCO
	Mr. V. TARZIORU
	Mr. C. MITRAN
Sweden:	Mr. A. EDELSTAM
	Mr. S. ERICSON
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. I.I. TCHEPROV
	Mr. N.S. KISHILOV
	Mr. Y.C. NAZARKIN
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. E.S. El REEDY
	Mr. Y. RIZK
United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
United States of America:	Mr. A.S. FISHER
	Mr. C GLEYSTEEN
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Bulgaria) (translation from French): I declare open the 411th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Alhaji SULE KOLO (Nigeria): In my intervention on 20 March, not only did I stress the importance which my delegation attaches to a comprehensive test ban but I also promised to put forward certain proposals concerning the intractable question of verification (ENDC/PV.396, paras. 13 et seq.), which has so far defied our efforts to find a solution and which in the opinion of my delegation constitutes one of the main obstacles to reaching an agreement, assuming that there is the political will to conclude a treaty. Since my intervention our colleague from Sweden, Mrs. Myrdal, has put forward, as part of the Swedish working paper on a comprehensive test ban (ENDC/242), compromise proposals on a system of verification which has not, regrettably, been accepted by the main parties that would be affected by the treaty.

3. In my present intervention I shall try, as much as possible by reference to statements made by my colleagues, to indicate our agreement with, or our suggested amendments to, views already put forward, as that is in our opinion the best way of reaching a concensus if our negotiations here are to prove fruitful.

4. It is unnecessary for me to reiterate the urgency of a comprehensive test ban. I need only mention that the United Nations General Assembly itself recognized that in its resolution 2455 (XXIII) (ENDC/237) which requests this Committee to elaborate a treaty as a matter of urgency. That is why we welcome the initiative of the Swedish delegation in submitting a draft treaty, which it has modestly called a working paper. This is also in accord with the suggestion contained in my statement of 20 March, when I said:

> "I would suggest that in order to lend our discussions a definite sense of direction and purpose we introduce, as in the case of our negotiations on the Treaty on the Non-Proliferation of Nuclear Weapons, a draft treaty to form the basis of our discussion". (ENDC/PV.396, para. 18)

I further suggested that:

> "A sub-committee, to include those countries which, like Sweden and the United Kingdom, have shown considerable interest in and made a very valuable contribution to this subject, could be charged with the responsibility for producing the first draft". (ibid.)

5. Indeed, my delegation congratulates the Swedish delegation on the considerable effort and study that have obviously gone into the preparation of the draft. The Nigerian Government is giving the draft the close attention it deserves and I hope that at an early date I shall be in a position to state the authoritative Nigerian position. In the meantime I wish, as some of my colleagues have done, to take this opportunity to express some of our preliminary thoughts on the draft.

(Alhaji Sule Kolo, Nigeria)

6. I share the view expressed by the United Kingdom representative in his statement on 17 April 1969 (ENDC/PV.404, para.10) that the relationship between the international agreement regarding explosions for peaceful purposes envisaged in the preamble and article I, para. 2 of the Swedish working paper on the one hand, and the international agreement referred to in article V of the non-proliferation Treaty (ENDC/226*) on the other, requires further clarification. I would even go further and suggest that, in essence, the non-proliferation Treaty bans all non-nuclear-weapon States, as defined by that Treaty, which are signatories to it, from directly undertaking any nuclear explosions, peaceful or otherwise. Article I of the Swedish draft, on the other hand, seems to make peaceful explosions permissible for all States, and here I would wish to underline the words "all States". Will the adoption of the draft not, therefore, put the non-nuclear signatories of the non-proliferation Treaty at a disadvantage vis-à-vis those which have not signed that Treaty ? Here I believe some information about the progress made in the bilateral talks held in Vienna to try to define "explosions for peaceful purposes" might be useful. I hope that before we adjourn this session of our Committee our co-Chairmen will find it possible to provide this information.

7. I also share the apprehension of my colleague of the United Arab Republic, Ambassador Khallaf, (ENDC/PV.403, para.25), regarding the adequacy or acceptability of article II of the Swedish working paper, which deals with the difficult problem of verification. The Nigerian position on the question of verification is a flexible one; but we also believe that progress cannot be made unless this Committee takes realistic cognizance of the interplay of politics and suspicion on the one hand and the needs of humanity on the other. with which we live in our present world. In his admirable speech on 25 March (ENDC/PV.397, paras. 46 et seq.) the representative of Italy rightly pointed out the urgent need for us to work for the creation of an atmosphere of political confidence as one of the prerequisites of disarmament. I could not agree more with the representative of Italy. Indeed, if I were asked to pinpoint the greatest single obstacle to disarmament I would humbly point at the lack of trust or political confidence in general.

8. Now, the provisions for verification in the Swedish working paper revolve, as the representative of the United Arab Republic said:

> "... around two main and combined elements: the use of national means of detection and identification and the co-operation in good faith of the States parties to the treaty and especially of those which are directly involved in a given event requiring verification" (ENDC/PV.403, para.25).

(Alhaji Sule Kolo, Nigeria)

But "co-operation in good faith" presupposes mutual trust and confidence, which, as I have said, are desirable ingredients in the existing relations between some of the Powers which are more likely to be "directly involved in a given event requiring verification". The question, therefore, is whether we can rely on a system of verification that is dependent to a large extent on trust and confidence.

9. In his message to this session of our Committee, the Secretary-General of the United Nations sagely stated:

> "Disarmament is a most complex, as well as vital, problem for which there is no single solution. Progress can be achieved only by the converging and continuing efforts of all concerned. The essential task is to persevere ...". (ENDC/PV.395, para. 4)

Indeed, our experience in this Committee not only confirms the need for perseverance but proves that in tackling the complex question of disarmament we cannot speak of a plethora of ideas or proposals: every proposal enlarges our field of choice and the scope for working out an agreement.

10. In the face of the atmosphere of suspicion which appears to engulf us these days, I cannot see any hope of our concluding a draft comprehensive test ban treaty unless we can establish a fool-proof system of verification. In other words, transposing the well-known legal maxim about justice, nuclear explosions for non-peaceful purposes not only must be banned but must also be seen to have been banned.

11. My delegation is all for limiting verification to long-range seismic identification if it is fool-proof and acceptable to all. But in spite of the tremendous progress that has been made in this field and the bright prospects of further progress, our impression is that the experts themselves are all agreed that there is still a gap to be bridged. That gap, if it exists, albeit small, cannot in the prevailing atmosphere be ignored. However, if such a gap does not indeed exist, and if a fool-proof seismological verification system can be proven to exist, then the importance given to these on-site inspections will no longer be valid.

12. In view of the alleged gap I have referred to in the effectiveness of long-range seismic detection, that system must, at best, be augmented by another form of verification to allay fears of possible violations of a test-ban treaty. I know that there are reservations about on-site inspections, but such reservations stem, I believe, mainly from an uneasiness about the fact that on-site inspections might be exploited for purposes of espionage and also from the difference of opinion about the effectiveness of seismological verification systems. In the absence of general

(Alhaji Sule Kolo, Nigeria)

acceptance of the effectiveness of the seismic detection system, it would appear necessary, in order to eliminate the problems to which I referred earlier, to consider limited on-site inspections. In this connexion I would refer the Committee to the working paper (ENDC/232) presented by the United Kingdom on 20 August 1968 which, among other things, proposed the establishment of a committee that would undertake on-site inspection if strong evidence of an infringement of the test-ban treaty were produced. To my mind, the inclusion of the super-Powers in such a committee would not help to remove the basis of the reservations about on-site inspections. I would therefore propose that inspections, when necessary, should in principle be conducted by a group of non-aligned countries that have signed the non-proliferation Treaty and possess the necessary technological know-how to cope with the implications of such inspections.

13. In that connexion I would venture to suggest the following countries as examples — assuming of course that each has signed and ratified the non-proliferation Treaty: Mexico, Finland, Sweden, Austria, Yugoslavia, Brazil, India and Switzerland. That arrangement should, I think, allay the main apprehensions about on-site inspections. In the first place, since as a pre-condition those countries would have signed the non-proliferation Treaty, they should not be interested in atomic weapon espionage, because by virtue of their accession to the non-proliferation Treaty they would be unable to put to practical use any unlawfully acquired knowledge whilst having the right to benefit, by virtue of the provisions of that Treaty, from the advantages of peaceful nuclear research. Furthermore, being non-aligned countries, they are unlikely to act as agents of any of the super-Powers. A working paper (ENDC/246) along my delegation's line of thinking is now being submitted for the consideration of the Committee.

14. The group we have in mind should have the right to carry out on-site inspections only if there is strong evidence of violation of the test ban treaty which cannot be proved conclusively by the long-range seismic detection system. I should like again to stress here, as I did in my previous speech, that these proposals are not in conflict with but rather augment the proposals made by particularly the United Kingdom in its working paper. Of particular relevance here will be the question concerning a system of phasing out explosions, should it be found impracticable for technical, economic or other reasons to stop underground tests on a given date.

15. In making my proposal I am fully conscious of the difficulties involved. I think, however, that we have perhaps now reached a crucial point on this most important question of a comprehensive test ban and we need a new initiative to break it. May I add that

(Alhaji Sule Kolo, Nigeria)

my proposal, if acceptable, is not intended to subsist for all time. It is an interim measure which could be replaced once a fool-proof teleseismic system had been developed. I do not profess that my proposal has any magic about it. It calls for the political will on the part of all concerned to make compromises. Every speaker in this Committee has stressed the danger of continued test explosions for the development of more sophisticated nuclear weapons. My delegation would therefore highly appreciate the careful examination of this proposal.

16. Before I end my statement, may I take this opportunity to express a few thoughts on the Soviet draft treaty on prohibition of the use of the sea-bed for military purposes (ENDC/240). As I stated in my first intervention, we are grateful to the Soviet Union for the initiative it has taken in this matter (ENDC/PV.396, para. 7).

17. It appears to me that the greatest obstacle to the early conclusion of an agreement on the sea-bed is perhaps the question of the extent to which the sea-bed should be demilitarized. Should demilitarization encompass all military installations or should it be limited to weapons of mass destruction ? Our own assessment of the general feeling expressed during the discussion of the sea-bed question in the General Assembly and of the spirit of the resolutions adopted is that the sea-bed should be reserved exclusively for peaceful purposes. Be that as it may, my delegation is of the view that the prohibition which any treaty may provide should encompass all military installations. Apart from other considerations, we believe that complete demilitarization will simplify control rather than make it unworkable. We do not wish, however, to be dogmatic in this matter. If it is generally agreed that prohibition should not encompass all military installations, then we must work out a clear definition of the exceptions. In particular, we would see no harm in exempting from such a prohibition defensive detection installations which are not in themselves weapons capable of mass destruction but which could provide the proof essential to the verification clause in the agreement.

18. My delegation is in full agreement — subject to the exemption we have mentioned earlier — with the method used in the Soviet draft treaty to delimit the boundaries beyond which prohibition would apply. In the first place, we believe that a twelve-mile maritime zone of coastal States, beyond which the prohibition should be applied, appears reasonable. To tie up the boundary beyond which the prohibition will apply with the continental shelf not only will result in different sizes of undemilitarized geographical areas for different countries but may, as pointed out by the representative of Sweden, result in a situation where certain areas of the sea

> "... would [not be covered by the agreement but would be open to military installations, possibly directly confronting each other". (ENDC/PV.405, para.78)

(Alhaji Sule Kolo, Nigeria)

The Soviet formula whereby a fixed distance will be agreed for all countries obviates these difficulties. I should point out, however, that although the Soviet formula is acceptable in principle to us, its application to groups of islands like Indonesia and to straits may raise some difficulties. My delegation would wish to suggest that in such areas -- straits, for example -- the twelve-mile prohibition limit should not apply to countries adjacent to or opposite each other, provided that this does not affect their existing rights to the use of their continental shelves. In any case, we assume that the treaty would not affect the rights of States under the 1958 United Nations Convention on the Continental Shelf[1/]. We have therefore submitted a draft working paper (ENDC/247) embodying this suggestion as an extension to article 1 of the Soviet draft treaty.

19. While we agree in principle with verification by inspection, my delegation believes that the language of article 2 of the Soviet draft should be a little more precise. In the first place, the question of inspection in the more difficult regions of the sea-bed is academic for most countries, including mine, which have neither the material resources nor the technical know-how to undertake such an expedition. In the circumstances the right of inspection becomes specious for those countries if the word "reciprocity" in the Soviet draft is construed to imply an exchange of inspections by those who have installations on the sea-bed. Each party to the treaty, whether or not it has the capability for verification through national means, should have the right of verification. In fact, in view of the obvious disability of the majority of countries to conduct such inspections, we would suggest that provision be made for inspections to be carried out by third parties which are signatories to the treaty, on behalf of a complaining State or through an international organization, if and when that could be established. I think that this suggestion deserves our close study and possible approval.

20. So far in this session, the sea-bed question seems to offer the best prospect of an agreement. It behoves us all to ensure that the opportunity we now have to conclude an agreement does not slip through our fingers. We have learned from experience that in any field of disarmament, agreement becomes more tedious and difficult once the arms race in that field leaves the realm of possibility and becomes a reality. In spite of the apparent prospects for reaching an agreement on the use of the sea-bed, much negotiation still has to be undertaken. The successful outcome of that negotiation not only will tax our ingenuity but will depend largely on the good will and co-operation of the super-Powers. I sincerely hope that we shall reach an agreement in due course.

1/ United Nations Treaty Series, vol. 499, pp. 311 et seq.

21. Mr. FISHER (United States of America): I have listened with interest to the thoughtful remarks which have been made by our colleague, the Nigerian representative, and the United States delegation will give to his statement and to the working papers which he has submitted the careful consideration they so obviously deserve. Today I should like to deal primarily with the problem of the sea-bed and ocean floor.

22. President Nixon, in his letter to Ambassador Smith of 15 March, indicated that:

> "the United States is interested in working out an international agreement that would prohibit the emplacement or fixing of nuclear weapons or other weapons of mass destruction on the sea-bed" (ENDC/239*, p.1).

The United States delegation is here to try to work out such an agreement.

23. Today I intend to confine my remarks primarily to the question of the scope of the prohibition since this appears to be the major area of difference of views. The United States, and we believe many other major naval Powers which either are entirely insular or which have long coast lines, would be unprepared to accept a total ban on all military activities on the sea-bed. However, we believe that the main -- indeed the only -- worrisome threat to the peaceful future of the sea-bed is the possibility of the fixing or emplacement on the sea-bed of nuclear weapons and other weapons of mass destruction. The United States is convinced, moreover, that we have a good chance of successfully negotiating an agreement which will prevent an arms race on the sea-bed if we focus our attention on nuclear weapons and other weapons of mass destruction. In particular, the United States is convinced that by concentrating on these weapons we can reduce the problem of verification to manageable proportions. But the United States is also convinced that if we permitted ourselves to be diverted to attempts to work out a sweeping prohibition on the "use for military purposes of the sea-bed and ocean floor" or to try to prohibit the placing in the sea-bed and ocean floor of all "objects of a military nature", we would raise problems of verification which would be insuperable and make it impossible for us to reach an agreement.

24. In considering the question now under consideration -- the prevention of an arms race on the sea-bed -- we must bear in mind the nature of this environment. The territory of the sea-bed is vast; it amounts to 135 million square miles, or nearly 70 per cent of the earth's surface. The water which covers the sea-bed is, for all practical purposes, opaque. Visibility is limited to ten yards or so. The physical environment of the sea-bed is hostile to man. In many parts of the ocean the sea-bed is many miles in depth. Moreover, most of the sea-bed is under pressures which are

(Mr. Fisher, United States)

from tens to many hundreds of times the pressure under which we live in the atmosphere. These are pressures in which man, unless enclosed in a pressure-resistant device, cannot function or in most instances even survive.

25. We must consider the problem which the environment of the sea-bed presents to the emplacement or fixing of nuclear weapons or other weapons of mass destruction as part of an effective weapons system. Nuclear weapons and other weapons of mass destruction are complex devices. To be effectively utilized, they require sophisticated delivery systems and extensive command and control systems. They also require periodic maintenance. Moreover, countries which control nuclear weapons can be expected, for their own protection, to enforce a high degree of security in exercising control over them. They are not likely to let them "lie around loose", so to speak, in an international régime like the sea-bed, but will require a protective system to prevent other countries from rendering them ineffective or even capturing them.

26. Now in some circumstances certain countries might think that the military benefits to be gained from emplacing or fixing nuclear weapons on the ocean floor would be so great as to warrant the effort to devise a system which would meet these requirements in the environment of the sea-bed. That is the reason why we are here discussing this item as a realistic item of preventive disarmament. But it is almost inconceivable that a country would emplace or fix nuclear weapons on the sea-bed or ocean floor unless these weapons were housed in quite a substantial installation, capable of meeting the requirements I have just outlined. The emplacing or fixing of an installation on the ocean floor which would meet these requirements would be quite a difficult operation, involving extensive engineering activity. It would be unlikely to escape the attention of other maritime Powers. Under the United States proposal, the only question that would have to be resolved would be whether this installation contained a nuclear weapon or other weapons of mass destruction.

27. In this connexion I should like to note the thoughtful observations made by our colleague the representative of Poland when on 24 April he pointed out that there may be modern sophisticated weapon systems that might be installed on the sea-bed which could be used for both conventional and nuclear means of warfare although it might be uneconomical to emplace the necessary installations solely for con entional weapons (ENDC/PV.406, para. 20). This is an interesting point, but I would respectfully submit that it does not lead to the acceptance of a treaty involving the complete demilitarization of the sea-bed. It does, however, raise the question of whether the

(Mr. Fisher, United States)

prohibition should be extended to the emplacing or fixing on the sea-bed of launching platforms capable of handling nuclear weapons or other weapons of mass destruction, whether or not a warhead containing such weapons were actually attached. Indeed, Ambassador Smith, in his intervention on 25 March suggested this possibility as a possible measure to prevent a State from preparing for a sudden abrogation of the treaty (ENDC/PV.397, para. 37).

28. Our colleague the Soviet representative has maintained that if we limit the prohibition to weapons of mass destruction the verification problem will be more complicated. We have heard a similar argument today from another respected representative in this Committee. With the greatest personal respect I should like to express a contrary view. Ambassador Roshchin stated in his remarks at our meeting on 3 April:

> "Indeed, if the ban covered only certain types of activity, the controlling party would be faced in each specific case with the question of whether the object concerned had to do with prohibited or permitted activities."
> (ENDC/PV.400, para. 23)

The United States maintains, however, that the parties to the treaty would be faced with that question much more frequently under a total ban such as that suggested by the Soviet Union. Indeed they would be faced with the impossible task of having to decide whether each and every object or installation emplaced on the sea-bed was of a "direct military nature". How would the parties verify and control all these particular activities? They would be dealing with a vast number of objects, many of which are inconspicuous in themselves and do not require installations. How would the parties be aware of even a small proportion of these activities that might be carried on in a clandestine manner over the vast and murky area of the ocean floor? For those reasons, I respectfully submit, the Soviet proposal for complete demilitarization would pose insuperable verification problems, well beyond the present or projected capability of any State.

29. The very possibility of peaceful installations on the sea-bed and the ocean floor means that any agreement we work out will have to concern itself with the nature of particular installations. Moreover, we must evaluate this problem not merely against the background of the peaceful activity which is taking place on the sea-bed now but against the background of the extension of commercial, scientific and other research activities that will doubtless be taking place on the sea-bed in the coming years.

(Mr. Fisher, United States)

30. Against that background of increasing peaceful activity on the sea-bed, if the prohibition is limited to banning nuclear weapons and other weapons of mass destruction, the parties will be faced with a far more manageable problem of verification -- and they will be faced with that problem much less frequently -- than they would be under a proposal for complete demilitarization. Indeed, they need only be concerned with whether a given installation contains nuclear or other weapons of mass destruction, which, as I indicated before, are the main -- indeed the only -- realistic threat to peaceful uses of the sea-bed. Such complex installations would be much less difficult to detect, for the reasons I have already mentioned.

31. In his intervention on this subject at our meeting on 25 March Ambassador Smith stated that in the United States view "complete demilitarization of the sea-bed would ... be simply unworkable and probably harmful" (ENDC/PV.397, para. 34). In his intervention at our meeting on 5 April our Soviet colleague, Ambassador Roshchin, took issue with that point of view (ENDC/PV.400, para. 16) and, again with the greatest personal respect, I should like to place before this Committee an illustration of why an unverifiable ban on the placing of any objects of a military nature on the sea-bed could be a threat to the security of States.

32. I think we would all agree that a system placed on the sea-bed which is designed to provide information on the presence of submarine traffic is an object of a military nature, and that emplacing such a system on the sea-bed would thus involve using the sea-bed for a military purpose. As such it would be prohibited according to the provisions of the Soviet draft treaty if it were placed more than twelve miles off the coast -- as indeed it might well have to be in order to be effective. And yet I think we would all also agree that it would be virtually impossible to verify whether or not other countries had emplaced such devices on the sea bottom. So we are faced with this question: In these circumstances is it realistic, is it consistent with the concept of balance contained in the fifth point of the Joint Statement of Agreed Principles for Disarmament Negotiations (ENDC/5), is it in the interests of peace, to suggest that the country should agree not to emplace such a device itself? I would submit that it is not. As Ambassador Smith pointed out at our meeting on 25 March, the existence of submarine forces requires States to take action in self-defence, such as establishing warning systems that use the sea-bed (ENDC/PV.397, para. 34). The United States is not prepared to enter into a treaty which would throw the propriety of these systems in doubt.

(Mr. Fisher, United States)

33. Before concluding I should like to deal with two arguments which have been used against prevention of an arms race on the sea-bed by a prohibition of a type that the United States believes to be realistic.

34. The first is an argument based on an analogy to the language of the Antarctic and outer space Treaties[2/]. In particular it has been based on a quotation of a portion of article IV of the outer space Treaty. Several delegations have referred to the fact that the second paragraph of article IV provides that the moon and other celestial bodies "shall be used ... exclusively for peaceful purposes", and that "the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres ... shall be forbidden" on those celestial bodies (General Assembly resolution 2222 (XXI), annex).

35. Those relying on that paragraph of article IV as a basis for support of an argument for complete demilitarization of the sea-bed fail to take into account the fact that the first paragraph of article IV, dealing with outer space generally, as distinguished from the moon and other celestial bodies, limits its undertaking to a commitment "not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction". Here we have two types of prohibition, one dealing with outer space generally which is limited to nuclear weapons or other weapons of mass destruction and one dealing with the moon and other celestial bodies. If we are looking for analogies, we submit that we would have to recognise that the sea-bed, which is within the area that man is at present exploring, is more closely comparable to outer space, where man has been travelling for almost a decade, than to the moon and other celestial bodies, where man has not yet been present.

36. The second argument for considering only a complete demilitarization of the sea-bed has been based on the text of General Assembly resolution 2467 A (XXIII). Paragraph 3 of that resolution calls upon the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor to "study" -- and I should like to emphasize the word "study" -- "the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor" and to do so "taking into account the studies and international negotiations being undertaken in the field of disarmament".

2/ United Nations Treaty Series, vol. 402, pp. 71 et seq.

(Mr. Fisher, United States)

37. It is apparently argued that because the General Assembly, by a vote of 112 to none, with 7 abstentions, called for such a study by another committee -- the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor -- the General Assembly has decided that this Committee, the Eighteen-Nation Committee on Disarmament, must negotiate an agreement which provides that no military activities may be carried out on the ocean floor. That argument appears to involve a prejudgment of the results of the study contemplated in General Assembly resolution 2467 A (XXIII) as well as a prejudgment of the negotiations which we are now conducting in the Eighteen-Nation Committee on Disarmament.

38. Moreover, that argument is not consistent with the legislative history of the resolution as it was developed at the twenty-third session of the General Assembly. The United States is one of the countries that voted for this resolution. Before it did so, it made it quite clear that in its view the reference to "peaceful purposes" in the resolution did not involve an obligation to negotiate an arms control agreement which precluded all military activities. It also made it clear that military activities not specifically precluded by the arms control agreement which might be negotiated would continue to be conducted, but would be conducted, of course, in accordance with the principle of freedom of the seas and for purposes consistent with the United Nations Charter and other obligations of international law.

39. To sum up, the United States is of the firm belief that we should work towards an international agreement whose provisions would be realistic enough to curb the major threat of an extension of the arms race to the sea-bed and at the same time would assure Parties that they might have confidence that the agreement is being observed. We believe that an agreement banning the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed would accomplish that goal, and we also believe that such a measure is obtainable before this Committee submits its report to the General Assembly.

40. Mr. FRAZÃO (Brazil) With regard to the working paper (ENDC/246) submitted by the representative of Nigeria, I wish to put on record at this stage the strong reservation of my delegation about the proposal contained in that document. In due course I shall deal with the proposal less briefly in order to point out what appears to my delegation to be the juridical inconsistency and the unacceptable political discrimination inherent in the Nigerian working paper.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 411th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Kroum Christov, representative of Bulgaria.

"Statements were made by the representatives of Nigeria, the United States and Brazil.

"The Nigerian delegation submitted a Working Paper on the Comprehensive Test Ban Treaty (ENDC/246) and a Working Paper on a Proposed Amendment to Article 1 of the USSR Draft Treaty on Prohibition of the Use for Military Purposes of the Sea-Bed and the Ocean Floor and the Subsoil Thereof (ENDC/247).

"The next meeting of the Conference will be held on Tuesday, 20 May 1969, at 10.30 a.m."

The meeting rose at 11.25 a.m.